

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

**Richard F. Vitale Jr.**  
**Erin B. Vitale**  
Debtor(s)

Bankruptcy Case No.: 16-24802-GLT  
Issued Per 6/29/2017 Proceeding  
Chapter: 13  
Docket No.: 25 - 2  
Concil. Conf.: June 29, 2017 at 09:30 AM

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED  
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

**(1.) PLAN CONFIRMATION:**

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated December 20, 2016 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on Jun. 29, 2017 at 09:30 AM, in 3251 U.S. Steel Tower, 600 Grant Street, Pittsburgh, PA 15219.*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to it's administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: Claim No. 5 of America Honda Fin Corp, Claim No. 12 of PNC Bank and Claim No. 8 and 9 of Wells Fargo Financial .
- ☐ H. Additional Terms:

**(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:**

**A. Objections to the Plan.** Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

**B. Applications to retain brokers, sales agents, or other professionals.** If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

**C. Review of Claims Docket and Objections to Claims.** Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

**D. Motions or Complaints Pursuant to §§506, 507 or 522.** All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

**E. Filing Amended Plans.** Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

**A.** After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

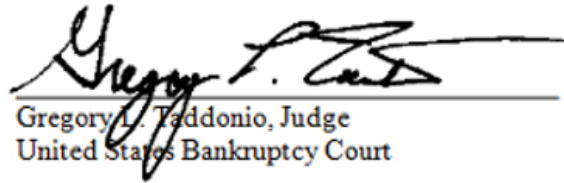
**B.** Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

**C.** Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

**D.** Debtor's counsel must file a fee application in accordance with *W.P.A.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

**E.** The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

**F.** In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.

  
Gregory A. Taddonio, Judge  
United States Bankruptcy Court

Dated: June 30, 2017

cc: All Parties in Interest to be served by Clerk in seven (7) days

**Certificate of Notice Page 4 of 5**  
 United States Bankruptcy Court  
 Western District of Pennsylvania

In re:  
 Richard F. Vitale, Jr.  
 Erin B. Vitale  
 Debtors

Case No. 16-24802-GLT  
 Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0315-2

User: dbas  
 Form ID: 149

Page 1 of 2  
 Total Noticed: 23

Date Rcvd: Jun 30, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jul 02, 2017.

db/jdb +Richard F. Vitale, Jr., Erin B. Vitale, 54 Green Crescent Drive,  
 Washington, PA 15301-3063  
 14342615 +AES, P.O. Box 2461, Harrisburg, PA 17105-2461  
 14342616 ++BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238  
 (address filed with court: Bank of America, PO Box 15019, Wilmington, DE 19886-5019)  
 14342617 Capital One Bank, PO Box 71083, Charlotte, NC 28272-1083  
 14369534 Capital One Bank (USA), N.A., PO Box 71083, Charlotte, NC 28272-1083  
 14342618 Card Services, P.O. Box 13337, Philadelphia, PA 19101-3337  
 14342619 Department of Education, Fed Loan Servicing, 530210, Atlanta, GA 30353-0210  
 14342620 Discover Bank, PO Box 742655, Cincinnati, OH 45274-2655  
 14342622 Home Depot Credit Services, PO Box 9001010, Louisville, KY 40290-1010  
 14349009 +PHEAA, PO BOX 8147, HARRISBURG, PA 17105-8147  
 14342626 PNC Bank, PO Box 856177, Louisville, KY 40285-6177  
 14342627 PNC Bank NA, PO Box 6534, Carol Stream, IL 60197-6534  
 14393424 +PNC Bank, N.A., PO BOX 94982, Cleveland, OH 44101-4982  
 14410398 +PNC Bank, NA, 3232 Newmark Drive, Miamisburg, OH 45342-5421  
 14401516 U.S.Department of Education, C/O FedLoan Servicing, P.O.Box 69184,  
 Harrisburg PA 17106-9184  
 14342628 +Viewtech Financial Services, Inc., 1679 E. Orangethorpe Avenue, Atwood, CA 92811-1200  
 14398126 Wells Fargo Bank, N.A., PO Box 10438, Des Moines, IA 50306-0438  
 14342629 Wells Fargo Financial Bank, PO Box 660553, Dallas, TX 75266-0553

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

14345149 E-mail/Text: ebnbankruptcy@ahm.honda.com Jul 01 2017 01:35:41  
 American Honda Finance Corporation, National Bankruptcy Center, P.O. Box 168088,  
 Irving, TX 75016-8088  
 14401683 E-mail/PDF: EBN\_AIS@AMERICANINFOSOURCE.COM Jul 01 2017 01:47:12  
 American InfoSource LP as agent for, Verizon, PO Box 248838,  
 Oklahoma City, OK 73124-8838  
 14347324 E-mail/Text: mrdiscen@discover.com Jul 01 2017 01:34:51 Discover Bank,  
 Discover Products Inc, PO Box 3025, New Albany, OH 43054-3025  
 14342625 +E-mail/PDF: gecsed@recoverycorp.com Jul 01 2017 01:41:16 Lowes/Synchrony Bank,  
 PO Box 530914, Atlanta, GA 30353-0914  
 14419108 E-mail/PDF: PRA\_BK2\_CASE\_UPDATE@portfoliorecovery.com Jul 01 2017 02:01:29  
 Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541

TOTAL: 5

\*\*\*\*\* BYPASSED RECIPIENTS (undeliverable, \* duplicate) \*\*\*\*\*

cr PNC BANK NATIONAL ASSOCIATION  
 14342623\* ++AMERICAN HONDA FINANCE, P O BOX 168088, IRVING TX 75016-8088  
 (address filed with court: Honda Financial Services, 1220 Old Alpharetta Road, Suite 350,  
 Alpharetta, GA 30005)  
 14342624\* ++AMERICAN HONDA FINANCE, P O BOX 168088, IRVING TX 75016-8088  
 (address filed with court: Honda Financial Services, 1220 Old Alpharetta Road, Suite 350,  
 Alpharetta, GA 30005)  
 14350487\* ++AMERICAN HONDA FINANCE, P O BOX 168088, IRVING TX 75016-8088  
 (address filed with court: American Honda Finance Corporation, National Bankruptcy Center,  
 P.O. Box 168088, Irving, TX 75016-8088)  
 14342621\* Discover Bank, PO Box 742655, Cincinnati, OH 45274-2655  
 14342630\* Wells Fargo Financial Bank, PO Box 660553, Dallas, TX 75266-0553

TOTALS: 1, \* 5, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address  
 pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Jul 02, 2017

Signature: /s/Joseph Speetjens

District/off: 0315-2

User: dbas  
Form ID: 149

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Total Noticed: 23

Date Rcvd: Jun 30, 2017

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### CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on June 30, 2017 at the address(es) listed below:

Christopher M. Frye on behalf of Joint Debtor Erin B. Vitale chris.frye@steidl-steinberg.com,  
julie.steidl@steidl-steinberg.com;todd@steidl-steinberg.com;leslie.nebel@steidl-steinberg.com;cgo  
ga@steidl-steinberg.com;r53037@notify.bestcase.com  
Christopher M. Frye on behalf of Debtor Richard F. Vitale, Jr. chris.frye@steidl-steinberg.com,  
julie.steidl@steidl-steinberg.com;todd@steidl-steinberg.com;leslie.nebel@steidl-steinberg.com;cgo  
ga@steidl-steinberg.com;r53037@notify.bestcase.com  
James Warmbrodt on behalf of Creditor PNC BANK NATIONAL ASSOCIATION bkgroup@kmlawgroup.com  
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov  
Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 5